

REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated July 5, 2006. Claims 1, 2, 4-9 and 11-24 are pending in this application of which 1, 8 and 17 are independent. By this Amendment, claims 1, 8 and 17 are amended. Claims 3 and 10 have previously been cancelled.

Rejections under 35 U.S.C. § 102

In section 3, on pages 2-4 of the Office Action, claims 1, 2, 8, 9, 17, 18 and 21-24 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,493,875 to Eames et al. (hereinafter "Eames"). Applicant respectfully traverses this rejection.

A. Claims 1, 8 and 17

Claim 1 recites, "an IR receiver for remote control of the at least one apparatus included in said home network." Claim 1 further recites that the access point includes, "communication means for wireless data communication with at least one apparatus included in the home network." In other words, the IR receiver recited in claim 1 is for remote control of an apparatus that communicates with said access point via wireless communications. Claims 8 and 17 contains similar recitations.

In contradistinction, Eames does not disclose, teach, or suggest an IR receiver according to the combinations recited in claims 1, 8 and 17. Instead, Eames only teaches an IR receiver 472 for remote control of a module (CATV 480) that communicates with the access point (gateway 200) via wired bus communication means (control bus 422). See figure 3; col. 5, ln. 18-24; col. 6, ln. 2-6; and col. 5:66 – col. 6:2.

Specifically, as the Office Action correctly recognized (See section 3 of the Office Action), in order for an apparatus in the home network to communicate with the access point (gateway 200 according to the Office Action) wirelessly, the apparatus must use wireless module 490 via antenna 494 for data transmission and reception. See col. 4, ln. 52-57 and col. 5, ln. 44-50. However, CATV 480, of which IR receiver 472 is for remote control, is not such an apparatus. According to Eames, CATV 480 does not communicate with the access point (gateway 200) by using wireless module 490 via antenna 494 for data transmission and reception. See figure 3 and col. 5:66 – col. 6:2. Instead, CATV 480 is included in the gateway 200 and communicates with the gateway 200 (access point according to the Office Action) via the internal control bus 422. See figure 3 and col. 5:66 – col. 6:2.

Consequently, Eames does not disclose, teach, or suggest an IR receiver for remote control of at least one apparatus included in a home network wherein the apparatus communicates with said access point via wireless communications, according to the combinations recited in claims 1, 8, and 17. It is therefore respectfully submitted that the Office Action has failed to establish a *prima facie* case of anticipation with respect to the subject matter recited in claims 1, 8 and 17. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 8 and 17 is respectfully requested.

B. Claims 2, 9, 18 and 21-24

Claims 2, 9, 18 and 21-24 are dependent from the allowable claims 1, 8 and 17 respectively. Accordingly, it is submitted that claims 2, 9, 18 and 21-24 are patentably distinguishable over Eames based at least on their dependency for the reasons stated above in connection with claims 1, 8 and 17, as well as for the separately patentable subject matter recited therein. Accordingly,

reconsideration and withdrawal of the rejection of claims 2, 9, 18 and 21-24 are respectfully requested.

Rejections under 35 U.S.C. § 103

In section 5, on page 5 of the Office Action, claims 4 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eames as applied to claims 1 and above, and further in view of U.S. patent No. 6,481,013 to Dinwiddie et al. (hereinafter "Dinwiddie"). In section 6, on pages 5-7 of the Office Action, claims 5, 6, 12, 13 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatent over Eames as applied to claims 1 and 8 above and further in view of U.S. Patent No. 6,622,304 to Carhart. In section 7 on page 7 of the Office Action, claims 7 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eames as applied to claims 1 and 8 above, and further in view of U.S. Patent No. 6,567,984 to Allport. In section 8, on page 8 of the Office Action, claims 15, 16 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eames as applied to claims 1, 8 and 17 above and further in view of U.S. Patent Application No. 2002/0104095 to Nguyen et al. (hereinafter "Nguyen"). Applicant respectfully traverses these rejections.

A. Rejection of claims 4 and 11

The Office Action rejects claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over Eames in view of Dinwiddie. This rejection is respectfully traversed.

Claims 4 and 11 are dependent from the allowable claims 1 and 8 respectively. Therefore, it is respectfully submitted that claims 4 and 11 are allowable for at least the reasons stated above in connection with the rejection of claims 1 and 8, as well as for the separately patentable subject

matter recited therein. Dinwiddie fails to overcome the deficiency in Eames described above. Accordingly, reconsideration and withdrawal of the rejection of claims 4 and 11 under 35 U.S.C. § 103(a) is respectfully requested.

B. Rejection of claims 5, 6, 12, 13 and 19

The Office Action rejects claims 5, 6, 12, 13 and 19 under 35 U.S.C. 103(a) as being unpatentable over Eames and in view of Carhart. This rejection is respectfully traversed. Claims 5, 6, 12, 13 and 19 are dependent from the allowable claims 1, 8 and 17 respectively. Therefore, it is respectfully submitted that claims 5, 6, 12, 13, and 19 are allowable for at least the reasons stated above in connection with the rejection of claims 1, 8 and 17, as well as for the separately patentable subject matter recited therein. Carhart fails to overcome the deficiency in Eames described above.

Accordingly reconsideration and withdrawal of the rejection of claims 5, 6, 12, 13 and 19 under 35 U.S.C. § 103(a) is respectfully requested.

C. Rejection of claims 7 and 14

The Office Action rejects claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Eames and in view of Allport. This rejection is respectfully traversed.

Claims 7 and 14 are dependent from the allowable claims 1 and 8 respectively. Therefore, it is respectfully submitted that claims 7 and 14 are allowable for at least the reasons stated above in connection with the rejection of claims 1 and 8, as well as for the separately patentable subject matter recited therein. Allport fails to overcome the deficiencies in Eames described above. Accordingly, reconsideration and withdrawal of the rejection of claims 7 and 14 under 35 U.S.C. § 103(a) is respectfully requested.

D. Rejection of claims 15, 16 and 20

The Office Action rejects claims 15, 16 and 20 under 35 U.S.C. §103(a) as being unpatentable over Eames in view of Nguyen. This rejection is respectfully traversed.

Claims 15, 16, and 20 are dependent from the allowable claims 1, 8 and 17 respectively. Therefore, it is respectfully submitted that claims 15, 16 and 20 are allowable for at least the reasons stated above in connection with the rejection of claims 1, 8 and 17, as well as for the separately patentable subject matter recited therein. Nguyen fails to overcome the deficiencies in Eames described above. Accordingly, reconsideration and withdrawal of the rejection of claims 15, 16, and 20 under 35 U.S.C. § 103(a) is respectfully requested.

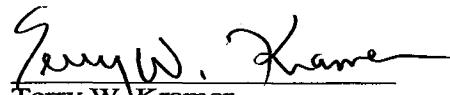
CONCLUSION

In view of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the correspondence attorney listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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